

EXECUTIVE ORDER NO.

2020-02

WHEREAS, on April 24, 2019, the undersigned issued Executive Order No. 2019-15, suspending William Kenney Boone from the office of Sheriff of Florence County, pursuant to article VI, section 8 of the South Carolina Constitution and section 8-1-110 of the South Carolina Code of Laws, as amended, following his indictment by the State Grand Jury for two counts of Embezzlement of Public Funds, in violation of section 16-13-210 of the South Carolina Code of Laws, as amended, and one count of Misconduct in Office, in violation of the Common Law of South Carolina; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution and section 8-1-110 of the South Carolina Code of Laws, Executive Order No. 2019-15 stated that the undersigned's suspension of William Kenney Boone was effective immediately and "until such time as he shall be formally acquitted or convicted"; and

WHEREAS, pursuant to section 23-11-40(C) of the South Carolina Code of Laws, as amended, the undersigned previously appointed William C. Barnes, of Florence, South Carolina, "to serve as Sheriff of Florence County until William Kenney Boone is acquitted, or the indictment is otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever event occurs first"; and

WHEREAS, the State Grand Jury subsequently returned an additional indictment charging William Kenney Boone with three counts of Ethics Act Violations, as specified further therein, and one count of Misconduct in Office, in violation of the Common Law of South Carolina; and

WHEREAS, on January 8, 2020, William Kenney Boone pleaded guilty to one count of Misconduct in Office, in violation of the Common Law of South Carolina, and one count of Embezzlement of Public Funds, in violation of section 16-13-210 of the South Carolina Code of Laws; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in pertinent part, that upon indictment by a grand jury of any officer of the State or its political subdivisions who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, “the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted,” and “[i]n case of conviction, the position shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, article VI, section 8 of the South Carolina Constitution also provides, in relevant part, that upon conviction of an “officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, in addition to the foregoing authorities, section 8-1-110 of the South Carolina Code of Laws similarly requires that upon indictment and conviction of any officer who has the custody of public or trust funds on charges of embezzlement or the appropriation of public or trust funds to private use, “the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, one or both of the aforementioned counts to which William Kenney Boone pleaded guilty charged him with “embezzlement or the appropriation of public or trust funds to private use,” “a crime involving moral turpitude,” or both, for purposes of article VI, section 8 of the South Carolina Constitution; and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution and section 8-1-110 of the South Carolina Code of Laws, the office of Sheriff of Florence County shall be declared vacant and the vacancy shall be filled as provided by law; and

WHEREAS, with regard to such vacancies in office, section 23-11-40(A) of the South Carolina Code of Laws provides that “[i]f any vacancy occurs in the office of sheriff in any county of this State less than one year prior to the next general election for county sheriffs, the Governor may appoint some suitable person who must be an elector of the county and who, upon qualifying, according to law, is entitled to enter upon and hold the office until a sheriff is elected and qualifies in the election and is subject to all the duties and liabilities incident to the officer during the term of his service in the office”; and

WHEREAS, the next general election for the office of Sheriff of Florence County is scheduled to be held on or about November 3, 2020, and William C. Barnes is a fit and proper person to continue serving as Sheriff of Florence County “until a sheriff is elected and qualifies in the election,” pursuant to section 23-11-40(A) of the South Carolina Code of Laws.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare vacant the office of Sheriff of Florence County and

January 8, 2020

appoint William C. Barnes to serve as Sheriff of Florence County until a sheriff is elected and qualifies in the next general election, in accordance with section 23-11-40(A) of the South Carolina Code of Laws. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 8th DAY OF
JANUARY, 2020.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State